

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARINA SHAP,

Plaintiff,

v.

CAPITAL ONE FINANCIAL  
CORPORATION AND CAPITAL ONE  
BANK (USA),

Defendants.

Civil Action No. \_\_\_\_\_

**NOTICE OF REMOVAL**

Defendants Capital One Financial Corporation and Capital One Bank (USA), N.A., improperly identified in the caption as Capital One Bank (USA), pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, hereby remove the action currently pending in the Court of Common Pleas of Bucks County, Pennsylvania at No. 2011-04827 to this Court. In support of this notice of removal, Defendants state as follows:

1. This action is being removed to federal court based on the presence of federal question jurisdiction.
2. On or about May 31, 2011, Plaintiff filed a complaint in the Court of Common Pleas of Bucks County at No. 2011-04827. Pursuant to 28 U.S.C. § 1446(a), attached hereto as Exhibit 1 is a copy of all process and pleadings filed in the state court action.
3. Defendants were served with the complaint via certified mail on June 13, 2011.
4. This Notice of Removal is filed with this Court within thirty (30) days of service of the complaint as required by 28 U.S.C. § 1446(b).

5. This Court has original jurisdiction over this action under 28 U.S.C. § 1331 because Plaintiff's claim against Defendants for violation of the Fair Credit Reporting Act, 15 U.S.C. 1681 *et seq.*, arises under the laws of the United States. *See* Complaint at ¶¶ 1, 7-27.

6. Venue lies in this Court because Plaintiff's action is pending in Bucks County which is within this District and this Division.

7. Contemporaneous with the removal of this action, Defendants have given written notice of this Notice of Removal to the Prothonotary of the Court of Common Pleas of Bucks County and Plaintiff's counsel pursuant to 28 U.S.C. § 1446(d). A copy of the Notice of the Notice of Removal is attached hereto as Exhibit 2.

WHEREFORE, Defendants respectfully notice the removal of this action from the Court of Common Pleas of Bucks County, Pennsylvania to this Court.

Dated: July 12, 2011

Respectfully submitted,




---

Kevin S. Batik  
Pa. Id. No. 89209  
McGuireWoods LLP  
625 Liberty Avenue, 23rd Floor  
Pittsburgh, PA 15222  
(412) 667-6000

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Notice of Removal has been served upon the following counsel of record via U.S. First Class mail, postage prepaid, this 12th day of July 2011:

Vicki Piontek, Esq.  
951 Allentown Road  
Lansdale, PA 19446



---

## **Exhibit 1**

Received  
6/14/11  
mjd

IN THE COURT OF COMMON PLEAS  
OF BUCKS COUNTY, PENNSYLVANIA  
CIVIL ACTION-LAW

Marina Shap  
741 Chesham Turn  
Southampton, PA 18966

Plaintiff

Vs.  
Capital One Financial Corporation  
1680 Capital One Dr.  
McLean, VA 22102  
and  
Capital One Bank (USA)  
6124 188th St  
Fresh Meadows, NY 11365-2713

Defendants

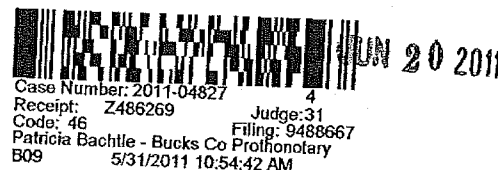
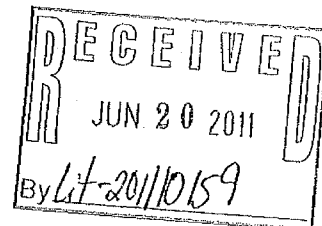
2011-04827

Jury Trial Demanded

**NOTICE TO DEFEND**

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice to you for any money claimed in the Complaint or for any other claim or relief requested by Plaintiff(s). You may lose money or property or other rights important to you.

See Next Page ----->>>>>>



YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU  
DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR  
TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU  
CAN GET LEGAL HELP:

Legal Aid of Southeastern Pennsylvania for Bucks County  
1290 Veterans Highway, Box 809, Bristol, PA 19007  
215-781-1111

Bucks County Legal Aid Society  
100 Union St, Doylestown, PA 18901  
(215) 340-1818

Bucks County Bar Association  
135 East State Street, PO Box 300, Doylestown, PA 18901  
215-348-9413

IN THE COURT OF COMMON PLEAS  
OF BUCKS COUNTY, PENNSYLVANIA  
CIVIL ACTION-LAW

Marina Shap  
741 Chesham Turn  
Southampton, PA 18966

Plaintiff

Vs.

Capital One Financial Corporation  
1680 Capital One Dr.  
McLean, VA 22102  
and  
Capital One Bank (USA)  
6124 188th St  
Fresh Meadows, NY 11365-2713

Defendants

2011-04827

Jury Trial Demanded

COMPLAINT

1. This is an action brought by a consumer for violation of alleged violations of the Fair Credit Reporting Act (FCRA), 15 USC 1681 et. Seq..
2. Plaintiff is Marina Shap, an adult individual whose principle residence is 741 Chesham Turn, Southampton, PA 18966, located in Bucks County, Pennsylvania.

3. Defendants are the following.

- a. Capital One Financial Corporation, 1680 Capital One Dr., McLean, VA 22102.
- b. Capital One Bank (USA), 6124 188th Street, Fresh Meadows, NY 11365.
- c. Department Stores National Bank, a business entity with a principal place of business located at 701 East 60th Street, Sioux Falls, SD 57104.
- d. John Does 1-10, individuals or business entities whose identities are not known to Plaintiff at this time, but which will become known upon proper discovery. It is believed and averred that such Does played a substantial role in the commission of the acts described in this complaint.
- e. X,Y,Z Corporations, business identities whose identities are not known to Plaintiff at this time, but which will become known upon proper discovery. It is believed and averred that such entities played a substantial role in the commission of the acts described in this complaint.



### **JURISDICTION AND VENUE**

4. The previous paragraphs of this complaint are incorporated by reference and made a part hereof.
5. Venue is proper in this jurisdiction because Defendant(s) do(es) business in this jurisdiction and avails itself of the benefits of the market in this jurisdiction.
6. Venue is proper in this jurisdiction because a substantial portion of the transaction(s), occurrence(s) or omission(s) took place within this jurisdiction.

**COUNT ONE: VIOLATION OF THE FAIR CREDIT REPORTING ACT,  
15 USC 1681 s-2 et seq.; Specifically 15 USC 1681 s-2 (b) et. seq.  
Failure to Mark Account as Disputed**

7. The previous paragraphs of this complaint are incorporated by reference and made a part hereof.
8. Plaintiff is a "consumer," as codified at 15 U.S.C. § 1681a(c).
9. Defendant is an entity who, regularly and in the course of business, furnishes information to one or more credit reporting agencies about Defendants(s) transactions or experiences with any consumer and Defendant is a "furnisher," as codified at 15 U.S.C. § 1681s-2.
10. Plaintiff disputed the alleged account(s) in writing with Defendant(s). See Attached exhibits.
11. Defendant(s) received Plaintiff's disputes concerning the alleged account(s). See attached exhibits.
12. Plaintiff then disputed the alleged account(s) in writing with relevant credit bureaus. See attached exhibits.

13. One or more of the relevant credit bureaus then conducted an investigation where Defendant was contacted. See attached exhibits.
14. Defendant verified the alleged account(s) with one or more of the bureaus. See attached exhibits.
15. At the time that Defendant verified the alleged account(s) with one or more of the relevant credit bureaus, Defendant failed to state that the account(s) had been previously disputed by Plaintiff. See attached exhibits.
16. Pursuant to 15 USC 1861 s-2, Defendant(s) had a duty to notify the relevant credit reporting bureaus of Plaintiff's dispute of the account(s).
17. Upon information and belief, it is believed and averred that Defendant(s) failed to fulfill such duty to the relevant credit reporting bureaus in a manner prescribed by 15 USC 1681 s-2. See attached exhibits.
18. Upon information and belief, it is averred that Defendant has a standard practice policy which contradicts its duties pursuant to 15 USC 1861 s-2.

**COUNT ONE: VIOLATION OF THE FAIR CREDIT REPORTING ACT,  
15 USC 1681 s-2 et seq.; Specifically 15 USC 1681 s-2 (b) et. seq.  
Failure to Mark Account as Disputed**

19. All previous paragraphs of this complaint are incorporated by reference and made a part of this complaint.
20. At various times in writing, Plaintiff contacted Defendant about and alleged consumer debt that appeared on Plaintiff's credit report, and requested a copy of the contract or other writing evidencing the amount of the financial obligation that appeared on Plaintiff's credit report.
21. At various times in writing, Plaintiff requested that Defendant conduct an investigation about the alleged consumer debt that appeared on Plaintiff's credit report.
22. 15 USC 1681 s-2 requires a furnisher to conduct a reasonable investigation of an account which appears on a consumer's credit report, upon written request of the consumer to do so.

23. The United States Court of Appeals for the Fourth Circuit held that the FCRA requires furnisher to conduct detailed examinations of the documents underlying customer transactions before responding to inquiries about a customer's debt, instead of relying on computer databases that provide convenient but potentially incomplete or inaccurate customer account information. See *Johnson v. MBNA America Bank*, No. 03-1235 (February 11, 2004).
24. Defendant(s) failed and willfully refused to conduct a proper investigation of Plaintiff's account in violation of Defendant's duties pursuant of 15 USC 1681 s-2 et. seq.
25. After Defendant(s) failed and willfully refused to conduct a proper investigation of Plaintiff's account, Defendant(s), Plaintiff was left with no other recourse than to dispute the account with the relevant credit reporting agency(ies) (CRAs).

26. After Plaintiff disputed the account with the relevant credit reporting agencies(s), Defendant then verified the alleged account with the relevant credit reporting agencies, Defendant(s) despite having willfully refused to conduct an investigation of Plaintiff's account in violation of Defendant's duties pursuant of 15 USC 1681 s-2 et. seq.
27. Upon information and belief, it is averred that Defendant(s) has standard practices, procedures and policies antithetical to it's duties pursuant to 15 USC 1861 s-2.

**Private Cause of Action**

28. The previous paragraphs of this Complaint are incorporated by reference and made a part of this Complaint.
29. Plaintiff bring this action under 15 USC 1681 s-2(b), as distinguished from 15 USC 1681s-2(a).
30. There is no private cause of action under 15 USC 1681s-2(a). Only the government can bring a cause of action under 15 USC 11681 s-2(a). For example, the Attorney General could bring a claim on behalf of consumers under 15 USC 1681s-2(a).

31. But there is a private cause of action under 15 USC 1681s-2(b). See the following case law which distinguishes between the government right of action under 15 USC 1681s-2(a), and the private cause of action under 15 USC 1681s-2(b).

Beisel v. ABN Ambro Mortgage, Inc., No. 07-2219, 2007 WL2332494, \*1 (E.D. Pa. Aug. 10, 2007).

The Court granted furnisher's motion to dismiss and noted that it is well established that to prevail on a FCRA claim Plaintiff "must prove [he] notified a credit reporting agency of the dispute, the credit reporting agency then notified the furnisher of information, and the furnisher of information failed to investigate or rectify the disputed charge.").

Marshall v. Swift River Academy, LLC, 2009 WL 1112768 (9th Cir. 2009).

The Court ruled that a consumer had no private right of action under FCRA against furnisher for its failure to provide accurate information to consumer reporting agencies.

Catanzaro v. Experian Information Solutions, Inc., 671 F. Supp.2d 256, 260 (D. Mass. 2009). The Court ruled that notification by consumer reporting agency to information furnisher was prerequisite for furnisher liability under FCRA.

Kaetz v. Chase Manhattan Bank, 2007 WL 1343700, \*3 (M.D. Pa. 2006). The Court dismissed the complaint, but only because Plaintiff failed to allege that he disputed the accuracy of his debts to a credit agency, or that the credit agency thereafter reported dispute to defendant.

32. Because Plaintiff first disputed the account with Defendant, and then disputed the account with the credit reporting agency afterwards, and then Defendant verified the derogatory information to the Credit Reporting Agency, Plaintiff does have a private cause of action against Defendant under these particular circumstances.



### **LIABILITY**

33. The previous paragraphs of this complaint are incorporated by reference and made a part hereof .
34. At all times various employees and / or agents of Defendant were acting as agents of Defendant, and therefore Defendant is liable to for the acts committed by its agents and / or employees under the doctrine of respondeat superior.
35. At all times various employees and / or agents of Defendant were acting as agents of Defendant, and therefore Defendant is liable to Plaintiff for the acts committed by its agents and / or employees under the theory of joint and several liability because Defendant and its agents were engaged in a common business venture and were acting jointly and in concert.

### **DAMAGES**

36. The preceding paragraphs are incorporated by reference and made a part hereof.
37. Plaintiff's actual damages are \$1.00 more or less, including but not limited to postage, phone calls, fax, gas, mileage, etc.
38. \$1,000.00 statutory damages under 15 USC 1681 et. seq.
39. Plaintiff suffered some distress and anger as a result of his rights being violated by Plaintiff and the rights of other consumers.
40. The value of Plaintiff's emotional distress shall be proven at trial.
41. Plaintiff believes and avers that for purposes of a default judgment, his distress has a Dollar value of no less than \$5,000.00.
42. Plaintiff believes and avers that the acts committed by Defendant are willful, wanton intentional, or reckless at best. Plaintiff believes and avers that Defendant's acts are systemic. Therefore, punitive damages are warranted.

43. Plaintiff believes and avers that punitive damages should be awarded to Plaintiff in the amount of no less than \$20,000.

44. Plaintiff believes and avers that he is entitled to reasonable attorney fees of \$1,925 at a rate of \$350.00 per hour, described below.

a. Consultation with client and review of file. Drafting of disputes. Organizing documents.	2 hours
b. Drafting of writ and related documents	.25
c. Drafting , editing, review and filing of compliant and amended complaint related documents	1
d. Service of Process	.25
e. Follow up correspondence with Defense	2

---

Total = 5.5

5.5 hours \$1,925

45. Plaintiff's attorney fees continue to accrue as the case moves forward.

**INJUNCTIVE RELIEF**

46. Plaintiff requests an order from this honorable court directing Defendant to report Plaintiff's account(s) referred to in the attached exhibits as "disputed," in accordance with 15 USC 1681 s-2, or not to report the account(s) at all.

**OTHER RELIEF**

47. Plaintiff requests such other relief as this court may deem just and proper.

**JURY TRIAL**

48. Plaintiff requests and demands a jury trial in this matter.

Wherefore, Plaintiff demands judgment against Defendant(s) in the amount of  
\$27,926 enumerated as follows.

\$1.00 actual damages

\$1,000.00 statutory damages,

\$1,925 attorney fees

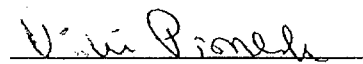
\$5,000 emotional distress

\$20,000 punitive damages

---

\$27,926

Plaintiff seeks declarative relief and in injunction requiring Defendant to comply with  
15 USC 1681 s-2. Plaintiff seeks such other relief as this Court deems fair and just.

  
Vicki Piontek, Esquire  
Attorney for Plaintiff  
951 Allentown Road  
Lansdale, PA 19446  
877-737-8617  
Fax: 866-408-6735  
palaw@justice.com

5.27.2011  
Date

## **EXHIBITS**

Marina Shap  
741 Chesham Turn  
Southampton, PA 18966

Capital One Bank USA NA  
P.O. Box 30281  
Salt Lake City, UT 84130

Re. Marina Shap SSN [REDACTED]  
Reference / Account Number [REDACTED]  
Alleged Balance \$7,643

**DISPUTE**

Your company has place derogatory information on my credit report which I wish to dispute. The alleged high balance is excessive and inflated and not warranted by any existing contract.

I never owed \$7,643 to your company. I am requesting proof of the amount of the alleged high balance. I request a copy of the initial contract, payment history and a breakdown of the balance.

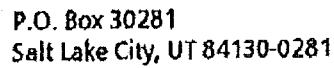
Please provide me with proof of the interest rate, late fees and finance charges. Is there a contract that proves your right to add such charges? If so, please send it.

I DISPUTE THE INFORMATION YOU HAVE PUT N MY CREDIT REPORT. YOU MUST UPDATE MY REPORT TO SHOW THAT THIS IS A DISPUTED ACCOUNT.

Sincerely,

m. shap  
Marina Shap

07/05/11  
Date



April 12, 2011

Re: xxxxxxxxxxxxxx1793  
Case #: 10001677613132

Thanks for contacting us about your Capital One® account. Please know that we've forwarded your correspondence to the appropriate department to address this matter. You should receive a response from them shortly.

If you have questions, please call us at 1-800-955-7070. Our Customer Service Representatives are available 24 hours a day, 7 days a week.

Sincerely,

**Capital One Services, LLC**



MAY. 19. 2011 1:11PM

COMMUNITY HOME CARE

NO. 0030 P. 2

\*\*\* 237617868-003\*\*\*

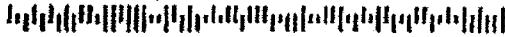
PO Box 2000

Chester, PA 19022



05/06/2011 TransUnion.

P11CKD00200026-1000101-047517961



MARINA SHAP

741 CHESHAM TURN

SOUTHAMPTON, PA 18966

Our investigation of the dispute you recently submitted is now complete. The results are listed below. If an item you disputed is not in the list of results below, it was either not appearing in your credit file or it already reflected the corrected status at the time of investigation.

If our investigation has not resolved your dispute, you may add a 100-word statement to your report. If you provide a consumer statement that contains medical information related to service providers or medical procedures, then you expressly consent to TransUnion including this information in every credit report we issue about you. If you wish to obtain documentation or written verification concerning your accounts, please contact your creditors directly.

If there has been a change to your credit history resulting from our investigation, or if you add a consumer statement, you may request that TransUnion send an updated report to those who received your report within the last two years for employment purposes, or within the last one year for any other purpose.

If interested, you may also request a description of how the investigation was conducted along with the business name, address and telephone number of any company we may have contacted for information.

Thank you for helping ensure the accuracy of your credit information.

For frequently asked questions about your credit report, please visit <http://transunion.com/consumerfaqs>.

### Investigation Results

ITEM	DESCRIPTION	RESULTS
CAPITAL ONE BANK USA NA	# [REDACTED]	NEW INFORMATION BELOW

MAY. 19. 2011 1:11PM

COMMUNITY HOME CARE

NO. 0030 P. 4

File Number: 237617868  
 Page: 1 of 1  
 Date Issued: 05/06/2011

TransUnion.

X

OK

**CAPITAL ONE BANK USA NA #**

PO BOX 30281  
 SALT LAKE CITY, UT 84130  
 (800) 955-7070

\*\*\*  
 Balance: \$7,602  
 Date Verified: 05/2011  
 High Balance: \$7,643  
 Credit Limit: \$7,500  
 Past Due: \$7,602

Pay Status: CHARGED OFF AS BAD DEBT  
 Account Type: REVOLVING ACCOUNT  
 Responsibility: INDIVIDUAL ACCOUNT  
 Date Open: 09/2003  
 Date Closed: 04/2010

Loan Type: CREDIT CARD

Remarks: BANKRUPTCY DISMISSED

Estimated date that this item will be removed: 02/2017

- End of Investigation results -

To view a free copy of your full, updated credit file, go to our website <http://disclosure.transunion.com>

MAY. 19. 2011 1:12PM

COMMUNITY HOME CARE

NO. 0030

P. 6

PO Box 9701  
Allen, TX 76013



0002726 01 M8 0.387 \*\*AUTO 107167 18966-454841 -C01-P02726-I  
MARINA SHAP  
741 CHESHAM TURN  
SOUTHAMPTON PA 18966-4548



0241036229



Prepared for: MARINA SHAP  
Date: May 10, 2011  
Report number: 0162-9270-01

Page 1 of 2

## Dispute results

### About our dispute process

This summary shows the revision(s) made to your credit file as a result of our processing of your dispute. If you still question an item, then you may want to contact the furnisher of the information directly or review the original information in the public record.

The Federal Fair Credit Reporting Act provides that you may:

- request a description of how we processed your dispute, including the business name and address of any furnisher of information contacted in connection with such information and the telephone number if reasonably available;
- add a statement disputing the accuracy or completeness of the information; and
- request that we send these results to organizations who have requested your credit report in the past two years for employment purposes or six months for any other purpose.

If no information follows, our response appeared on the previous page.

### How to read your results

**Deleted** - This item was removed from your credit report

**Remains** - This item was not changed as a result of our processing of your dispute

**Updated** - A change was made to this item; review this report to view the change. If

ownership of the item was disputed, then it was verified as belonging to you

**Investigated** - This item was either updated or deleted; review this report to learn its outcome

### Results

We completed investigating any items you disputed with the sources of the information and processed any other requests you made. Here are the results:

#### Credit items

CAP ONE

430572235784....

#### Outcome

Updated

Visit experian.com/status to check the status of your pending disputes at any time

### Additional information

To view a full copy of your corrected credit report, visit [experian.com/viewreport](http://experian.com/viewreport)

☐ To receive a copy by mail, check this box and within 30 days return this original page to P.O. Box 9701, Allen, TX 76013.

Copies will not be accepted.

### What's your credit score?

Find out by ordering your VantageScore® from Experian for only \$7.95. To order, call 1 888 322 5583.

By law, we cannot disclose certain medical information (relating to physical, mental, or behavioral health or condition). Although we do not generally collect such information, it could appear in the name of a data furnisher (i.e. "Cancer Center") that reports your payment history to us. If so, those names display on your report, but on reports to others, they display only as MEDICAL PAYMENT DATA. Consumer statements included on your report at your request that contain medical information are disclosed to others.

MAY. 19. 2011 1:12PM

COMMUNITY HOME CARE

NO. 0030 P. 7

Experian  
A world as simplePrepared for: MARINA SHAP  
Date: May 10, 2011  
Report number: 0462-9270-81

Page 2 of 2

## Your accounts that may be considered negative

The most common items in this section are late payments, accounts that have been charged off or sent to collection, bankruptcies, liens, and judgments. It also may contain items that are not necessarily negative, but that a potential creditor might want to review more closely, such as an account that has been settled or transferred. This information is generally removed seven years from the initial missed payment that led to the delinquency. Missed payments and most public record items may remain on the credit report for up to seven years, except Chapters 7, 11 and 12 bankruptcies and unpaid tax liens, which may remain for up to 10 years. A paid tax lien may remain for up to seven years. Transferred accounts that have not been past due remain up to 10 years after the date the account was transferred.

## Credit items

**CAPITAL ONE**  
PO BOX 30281  
SALT LAKE CITY UT 84130  
Phone number: (800) 855-7070  
Partial account number: [REDACTED]  
Address/identification number: 0089224243

Date opened	Type	Credit limit or original amount	Recent balance
Sep 2003	Credit card	\$7,500	\$7,602 as of Jun 2010
First reported	Terms		
Jun 2008	Not reported		
Date of status	Monthly payment	\$7,643	
Jun 2010	Not reported		

## Payment history

2010

2008

MAY APR MAR FEB JAN DEC NOV OCT SEP AUG JUL JUN MAY APR MAR FEB JAN DEC NOV OCT SEP AUG JUL JUN  
[REDACTED]

Account history - If your creditor reported your account balances to us, we list them in this section as additional information about your account. Your balance history may also include your credit limit and high balance or the original loan amount for an installment loan. This section also includes the scheduled payment amounts, amounts actually paid and the dates those payments were made. ND: No Data.

|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|



**EQUIFAX****CREDIT FILE : May 6, 2011**  
**Confirmation # 1125052381**

Dear Marina Shap:

Your request for Equifax to reinvestigate certain items of your credit file is now complete.

Below are your results and a report of your credit file revised, as applicable, as a result of the reinvestigation. If you have additional questions regarding the reinvestigated items, please contact the source of that information directly. You may also contact Equifax regarding the specific information contained within this letter or report within the next 60 days by visiting us at [www.investigate.equifax.com](http://www.investigate.equifax.com).

Thank you for giving Equifax the opportunity to serve you.

**The Results of Our Reinvestigation****Credit Account Information**For your security, the last 4 digits of account number(s) have been redacted.  
This section includes specific details and results reported by credit bureaus.

Account History	1 : 30-59 Days Past Due	5 : 150-179 Days Past Due	J : Voluntary Surrender
Status Code	2 : 60-89 Days Past Due	6 : 180 or More Days Past Due	K : Repossession
Descriptions	3 : 90-119 Days Past Due	G : Collection Account	L : Charge Off
	4 : 120-149 Days Past Due	H : Foreclosure	

&gt;&gt;&gt; We have researched the credit account. Account # - [REDACTED] The results are: The high credit/credit limit on this account has been updated. Additional information has been provided from the original source regarding his item. If you have additional questions about this item please contact: Capital One, PO Box 30281, Salt Lake City UT 84130-0281

Capital One Bank USA NA - PO Box 30281, Salt Lake City UT 84130-0281

Account Number	Item As of	Balance	Amount	Date Reported	Amount	Date of Last Payment	High Credit	Date Opened	Credit Limit	Scheduled Payment Amount	Delinquency Amount	Date of Last Delinquency	Charge Off Amount	Months Paid	Activity Designator	Credit Classification
15/2011	5/2011	\$7,602	\$7,602	01/2010	\$0	01/2010	\$0	09/2003	\$7,500	\$0	\$0	04/2010	06/2010	61		
</																

Status - Charge Off; Type of Account - Revolving; Type of Loan - Credit Card; Whose Account - Individual Account; ADDITIONAL INFORMATION - Chapter 13 Bankruptcy Dismissed; Charged Off Account; Account Closed By Credit Grantor; Credit Card;

Account History with Status Codes 05/2010 04/2010 L 1

(Continued On Next Page)

Page 1 of 2

1125052381APP-000969636-9R1 - 4907 - AS

P. O. Box 105518  
Atlanta, GA 30348

000081

000969636-961  
Marina Shap  
741 Chesham Tum  
Southampton, PA 18966-4648

COMMUNITY HOME CARE

MAY 19 2011 1:12PM

VERIFICATION

I, Marina Shap, Plaintiff in this action, hereby verify that the statements made in the foregoing pleading are true and correct to the best of my knowledge, information and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Date:

05/28/11.

M. Shap

## **Exhibit 2**

IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA

MARINA SHAP,

Plaintiff,

v.

CAPITAL ONE FINANCIAL  
CORPORATION AND CAPITAL ONE  
BANK (USA),

Defendants.

CIVIL ACTION

Case No. 2011-04827

**NOTICE OF FILING OF THE NOTICE OF REMOVAL**

Please take notice that Defendants Capital One Financial Corporation and Capital One Bank (USA), N.A., improperly identified in the caption as Capital One Bank (USA) have, on July 12, 2011, through their attorneys, filed a Notice of Removal with the Clerk of the United States District Court for the Eastern District of Pennsylvania to remove the above-referenced cause, Case No. 2011-04827, from the Court of Common Pleas of Bucks County to the United States District Court for the Eastern District of Pennsylvania.

A copy of the Notice of Removal is attached hereto as Exhibit A. This Court shall proceed no further unless and until this cause is remanded.

Dated: July 12, 2011

Respectfully submitted,



Kevin S. Batik  
Pa. Id. No. 89209  
McGuireWoods LLP  
625 Liberty Avenue, 23rd Floor  
Pittsburgh, PA 15222  
(412) 667-6000



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Notice of Filing of the Notice of Removal has been served upon the following counsel of record via U.S.

First Class mail, postage prepaid, this 12th day of July 2011:

Vicki Piontek, Esq.  
951 Allentown Road  
Lansdale, PA 19446

---